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16 **Attorneys For Defendant Citibank, N.A.**

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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 ANITA HUNTER, an individual; JOHNNA ) Case No. C 09-02079 JW  
22 BOZZA, an individual; CELLTEX SITE )  
23 SERVICES, LTD., a Texas Limited Company; ) Assigned to: Honorable James Ware  
24 GRANDE INVESTMENT, LLC, a Colorado )  
Limited Liability Company; QUIRK INFINITI, ) **STIPULATION AND [PROPOSED] ORDER**  
25 INC., a Massachusetts corporation; MICHAEL ) **TO EXTEND TIME FOR DEFENDANT**  
26 WHITTON, an individual; DOE PLAINTIFF, ) **CITIBANK TO FILE A REPLY ON ITS**  
an individual; and all others similarly situated, ) **MOTION TO DISMISS TO JANUARY 19,**  
26 ) **2010**

27 Plaintiffs, )

28 vs. )  
)  
)  
)

CITIBANK, N.A., a Nevada Corporation; )  
 COUNTRYWIDE BANK, FSB, a Virginia )  
 Corporation; BANK OF AMERICA )  
 CORPORATION, dba BANK OF )  
 AMERICA, N.A., a North Carolina )  
 Corporation; UNITED WESTERN BANK )  
 (f/k/a MATRIX CAPITAL BANK), a )  
 Colorado Corporation, et al., )  
 Defendants. )

Defendant Citibank, N.A. (“Citibank”) and Plaintiffs, by their respective attorneys of record, hereby stipulate as follows, and request that the Court enter an order granting Citibank, N.A. until January 19, 2010 to file a reply memorandum in further support of its Motion to Dismiss [docket #132]:

WHEREAS, Citibank filed its Motion to Dismiss [docket #132] on October 2, 2009, pursuant to a prior Order of the Court, and noticed the motion for hearing on January 25, 2010;

WHEREAS, by Clerk’s Notice [docket #204] entered on December 11, 2009, the hearing on Citibank’s Motion to Dismiss was moved to February 8, 2010;

WHEREAS, by agreement of counsel for Citibank and counsel for Plaintiffs, and at the direction of the clerk, the parties agreed that the Motion to Dismiss briefing would be conducted based on the original hearing date of January 25;

WHEREAS, Plaintiffs filed their opposition to Citibank’s Motion to Dismiss on January 4, 2010 [docket #211];

WHEREAS, Citibank’s reply would be due on January 11, 2010 under the local rules;

WHEREAS, given the passage of time since filing its Motion, and because the hearing on the Motion had been reset to February 8, Citibank requested that Plaintiffs agree to a short extension of time to file its reply memorandum by January 19 – an extension of one week plus one day as a result of the intervening Martin Luther King, Jr. Day holiday;

WHEREAS, Plaintiffs’ counsel consented to the brief extension; and

1 WHEREAS, even with the requested extension, Citibank's reply memorandum will  
2 be due twenty (20) days before the revised hearing date.

3 THEREFORE, Citibank and Plaintiffs respectfully stipulate and request that the  
4 Court enter an Order permitting Citibank to file its reply memorandum in support of its Motion to  
5 Dismiss on or before January 19, 2010.

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7 Dated: January 6, 2010

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10 By: /s/ John K. Van De Weert

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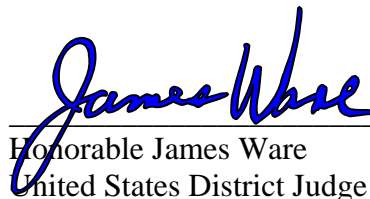
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I, John K. Van De Weert, am the ECF user whose ID and password are being used to file this Stipulation. In compliance with General Order 45.X.B., I hereby attest that the counsel listed above concurred with this filing.

IT IS SO ORDERED:

DATED: January 11, 2010

  
\_\_\_\_\_  
Honorable James Ware  
United States District Judge